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Economic Affairs Interim Committee 64th Montana Legislature

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January 20, 2016

To: Economic Affairs Interim Committee
From: Jameson Walker, Legislative Attorney
Re: Administrative Rule Report, January 2015

The Economic Affairs Interim Committee is responsible for reviewing administrative rules promulgated by several state agencies for compliance with the Montana Administrative Procedure Act (MAPA).¹ The following notices are filed with the Secretary of State's Office for publication in the Montana Administrative Register (MAR). Notices are available at <http://www.mtrules.org> (search by notice number).

PROPOSAL NOTICES

Department of Agriculture and administratively attached entities

There are no pending rules.

Department of Commerce and administratively attached entities

There are no pending rules.

Department of Labor and Industry and administratively attached entities

MAR Notice Number: 24-207-39

Subject: Amendment and repeal of rules pertaining to the Board of Real Estate Appraisers.

Summary: The proposed amendments are to 24.207.101 (board organization), 24.207.401 (fees), 24.207.406 (definitions), 24.207.501 (examinations), 24.207.502 (application requirements), 24.207.509 (qualifying experience), 24.207.518 (mentor requirements), 24.207.1501 (registration

¹ The Committee reviews rules promulgated by the following entities: Department of Agriculture, Department of Commerce, Department of Labor and Industry, Department of Livestock, State Auditor's Office, Montana State Fund, Division of Banking & Financial Institutions, Governor's Office of Economic Development. This report does not represent any action or opinion of the Committee and does not preclude additional action that may be taken by the Committee pursuant to its authority under the Montana Administrative Procedure Act, Title 2, chapter 4, MCA.

and renewal), 24.207.1507 (record-keeping requirements), and 24.207.2305 (unprofessional conduct). The repeal of 24.207.520 pertains to renewals; the department administers a standardized renewal process for all professional and occupational licensure boards.

Notes/Hearing: The department held a public hearing October 15, 2015, to consider the proposed rules.

MAR Notice Number: 24-29-312

Subject: Adoption of rules pertaining to medical benefits in workers' compensation claims.

Summary: The proposed rules seek to implement House Bill 334 of the 2011 legislative session. Proposed Rule I applies to applicability and voluntary payments by insurers. Proposed Rule II provides definitions. Proposed Rule III provides timelines for a petition to reopen terminated medical benefits. Proposed Rule IV provides where a petition for reopening must be sent. Proposed Rule V applies to submission of medical records and information. Proposed Rule VI applies to a joint petition for reopening. Proposed Rule VII applies to review by a medical director and consent of the parties. Proposed Rule VIII applies to the report and recommendations by the medical review panel. Proposed Rule IX applies to periodic review of certain reopened medical benefits.

Notes/Hearing: The department held a public hearing December 18, 2015, to consider the proposed rules.

MAR Notice Number: 24-301-309

Subject: Amendment and adoption of rules pertaining to the uniform plumbing code and International Wildland Urban Interface Code.

Summary: The amendment to 24.301.301 seeks to resolve tension between the sanitarians and plumbers bound by the plumbing code. The amendment to 24.301.714 seeks to enforce Senate Bill 71 of the 2015 legislative session regarding inspection fees for multiple boilers. Proposed Rule I incorporates by reference the International Wildland Urban Interface Code of 2012.

Notes/Hearing: The department held a public hearing December 17, 2015, to consider the proposed rules.

MAR Notice Number: 24-13-313

Subject: Adoption of rules pertaining to workforce development activities for Montana HELP Act participants.

Summary: Proposed Rule I provides definitions. Proposed Rule II applies to workforce development activities for HELP Act participants. Proposed Rule III applies to reportable services. The rules seek to implement SB 405 of the 2015 session.

Notes/Hearing: The department will hold a public hearing on February 12, 2016.

Department of Livestock and administratively attached entities

MAR Notice Number: 32-15-267

Subject: Adoption and amendment of rules pertaining to feral swine reporting and additional requirements for cattle and semen shipped into Montana.

Summary: Proposed Rule I seeks to require any person who has reason to believe feral swine are present to report to the Department of Livestock. The department asserts it enforces SB 100 of the 2015 session. The amendment to 32.2.401 establishes fees for Pullorum authorized testing agent licenses and increases fees for alternative livestock tags for elk. The amendment to 32.3.212 applies to tuberculosis tests for cattle. The amendment to 32.3.220 applies to semen shipped into Montana. The department states that it eliminates unnecessary language.

Notes/Hearing: The department did not anticipate a public hearing and proposes to adopt the rules on January 23, 2016.

MAR Notice Number: 32-15-268

Subject: Amendment of rules pertaining to licensee assessments for the Department of Livestock.

Summary: The department proposes to increase fees under 32.2.406.

Notes/Hearing: The department did not anticipate a public hearing and proposed to adopt the rules on December 12, 2015. However, the department received requests for a public hearing. The department subsequently sent notice that it would hold a public hearing on January 28, 2016. Additionally, on January 15, 2016, the EAIC sent notice to the department that at least 5 of the 8 members of the committee object to the proposed notice pursuant to 2-4-305(9), MCA.

MAR Notice Number: 32-15-270

Subject: Amendment of rules pertaining to the producer committee and pooling plan definitions for the Board of Milk Control.

Summary: The proposed change to 32.24.506 seeks to save approximately \$800 per in-person meeting and approximately \$12 per conference call meeting. The proposed change to 32.24.511 seeks to amend the definitions of "pool dairyman", "pool plant", and "producer handler." The department projects that the financial impact will be insignificant.

Notes/Hearing: The department does not anticipate a public hearing and proposes to adopt the rules on March 4, 2016.

MAR Notice Number: 32-16-271

Subject: Amendment of rules pertaining to meat and poultry food inspection services.

Summary: The proposed change to 32.6.712 seeks to clarify that establishments must not release products that contain *Listeria Monocytogenes* and to remove a requirement to report production volume and related data.

Notes/Hearing: The department does not anticipate a public hearing and proposes to adopt the rules on February 22, 2016.

State Auditor's Office

There are no pending rules.

Montana State Fund

There are no pending rules.

Division of Banking & Financial Institutions

There are no pending rules.

Governor's Office of Economic Development

There are no pending rules.

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